IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, **Plaintiff,** **v.** GUILLERMO JOSÉ VÁZQUEZ, **Defendant.**	**Criminal No.** 02-074 (FAB)

OPINION AND ORDER

BESOSA, District Judge.

Defendant Guillermo José Vázquez ("Vázquez") moves the Court for a sentence reduction pursuant to the compassionate release statute, 18 U.S.C. § 3582(c)(1)(A). (Docket No. 64.) For the following reasons, his motion for compassionate release is **DENIED**.

I. BACKGROUND

On December 26, 2000, at around 1:00 a.m., Dayla Dávila-Carmona and Carlos Ocasio-Ríos were returning to Ocasio-Ríos' residence after visiting friends and family on Christmas night. (Docket No. 22 at p. 2.) After they got out of the car, Vázquez and another individual drove up to the residence. Id. at p. 3. Vázquez got out of his car and approached Dávila-Carmona and Ocasio-Ríos while aiming a firearm at them. Id. He robbed them of all their money and took Dávila-Carmona's gold necklace. Id. He then took their car keys and got in their car. Id. Right

before driving away, he pointed his gun at the two victims and fired. Id. Ocasio-Ríos was struck by the bullet, and he died the next day from the injury. Id.

Vázquez was arrested on January 5, 2001. Id. at p. 5. He was 16 years old at the time of the offense, but had turned 17 between the offense and his arrest. See Docket No. 64 at p. 10. He was transferred to criminal prosecution as an adult pursuant to 18 U.S.C. § 5032 by order of the presiding judge, Hon. Carmen C. Cerezo. See Case No. 01-cr-009, Docket No. 94. A federal grand jury returned an indictment charging him with two counts of carjacking in violation of 18 U.S.C. § 2119 (counts one and two), and one count of discharging a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(j)(1) (count three). (Docket No. 1.) Pursuant to a plea agreement, he pled guilty to count two (the December 26 carjacking) and the other counts were dropped. See Docket No. 18. The plea agreement stipulated Vázquez's total adjusted offense level of forty, after taking into account a three-point reduction for his acceptance of responsibility. Id. at p. 3.

Vázquez was sentenced to 365 months of imprisonment, which was at the high end of his guideline range of 292-365 months. See Docket Nos. 30 at p. 2; 30-1 at p. 1. He did not receive any criminal history points - while he was previously arrested for

armed robbery and firearm violations in December 1999, the charges were dismissed because the police officers failed to appear at the hearings. See Docket No. 22 at p. 9. At sentencing, Judge Cerezo noted the "vicious nature of the murder of defendant's victim and the destruction brought upon the victim's family" in deciding to sentence him at the top of the guideline range. (Docket No. 30-1 at p. 2.) Judge Cerezo did not comment on Vázquez's youth at the time of the offense as a potential mitigating factor. Id.

Vázquez has been serving his sentence ever since. The Bureau of Prisons has, at various points, moved him between different facilities, and he is currently incarcerated at USP Victorville in California. See Docket No. 64-2 at pp. 1, 28. He has incurred in twenty-five disciplinary infractions in the twenty-four years he has been imprisoned. Id. at pp. 12-20. Most (fourteen) have been for drug-related offenses, the last of which occurred in 2018. Id. Six, however, were for engaging in fights with other inmates, most recently in April 2024. Id. On the other hand, he has completed numerous educational and rehabilitative courses while incarcerated, id. at pp. 1-3, and the BOP classifies him as low-risk for recidivism. Id. at p. 5. He is currently scheduled to be released in October 2028. Id. at p. 1.

On February 24, 2025, Vázquez filed a *pro se* motion for compassionate release in Spanish, after which the Federal Public

Defender was appointed to represent him. See Docket Nos. 46; 49. Through counsel, he subsequently filed the current motion for compassionate release on May 21, 2025, along with a brief correction. See Docket Nos. 64; 67. The government opposed his motion (Docket No. 77), and Vázquez replied. (Docket No. 83.)

II. LEGAL STANDARD

The compassionate release statute, 18 U.S.C. § 3582(c)(1), "carve[s] out a narrow exception to the general rule that the court may not modify a term of imprisonment once it has been imposed." United States v. Saccoccia, 10 F.4th 1, 3 (1st Cir. 2021). The statute allows incarcerated individuals to make requests for sentence reductions to a court once they have exhausted administrative remedies with the Bureau of Prisons ("BOP"). See 18 U.S.C. § 3582(c)(1)(A). To exhaust administrative remedies, a defendant must first request from his or her warden that the BOP file a motion for compassionate release on his or her behalf. See id. If the warden refuses, "the defendant may only file a motion in federal court if he has either (1) fully exhausted all administrative rights to appeal the BOP's failure to bring a motion on his behalf; or (2) waited thirty [] days from the receipt of his request by the warden of [his] facility, whichever is earlier." United States v. Morales, Crim. No. 95-235 (MAJ), 2025 U.S. Dist. LEXIS 13217, at *5 (D.P.R. Jan. 24, 2025) (Morgan, M.J.) (citing

18 U.S.C. § 3582(c)(1)(A)). The defendant has the burden of showing that he exhausted administrative remedies prior to bringing his claim before the Court. See United States v. Wells, Crim. No. 13-151, 2020 U.S. Dist. LEXIS 139425, at *10 (E.D. La. Aug. 5, 2020). Exhaustion of administrative remedies, while mandatory, is merely a "claim-processing rule" rather than a jurisdictional requirement. United States v. Texeira-Nieves, 23 F.4th 48, 53 (1st Cir. 2022). As a result, the government can waive this requirement "either expressly or by failing to raise it as a defense." United States v. Pabón-Mandrell, Crim. No. 07-121, 2023 U.S. Dist. LEXIS 229346, at *12 (D.P.R. Dec. 22, 2023) (Ramos-Vega, M.J.).

Once administrative remedies have been exhausted or waived, a court may only reduce a term of imprisonment if "extraordinary and compelling reasons warrant such a reduction." 18 U.S.C. § 3582(c)(1)(A)(i). "The plain meaning of 'extraordinary' suggests that a qualifying reason must be a reason that is beyond the mine-run either in fact or in degree." United States v. Canales-Ramos, 19 F.4th 561, 566 (1st Cir. 2021). "By the same token, the plain meaning of 'compelling' suggests that a qualifying reason must be a reason that is both powerful and convincing." Id. at 567.

One such extraordinary and compelling circumstance is if a defendant received an unusually long sentence compared to what he might receive if sentenced today. See U.S.S.G. § 1B1.13(b)(6). An unusually long sentence may count as extraordinary and compelling if the defendant has served at least ten years of imprisonment, and if a change in law (other than a non-retroactive amendment to the sentencing guidelines manual) would produce a gross disparity between the original sentence and the one likely imposed today. Id. When making that determination, a Court must consider the defendant's individualized circumstances - "a change in the law, without more, [is insufficient to] comprise an extraordinary and compelling reason sufficient to warrant compassionate release." Canales-Ramos, 19 F.4th at 569. "[F]actors such as the size of the claimed sentencing disparity and the defendant's age at sentencing can, in combination, make the passage of a nonretroactive sentencing amendment an extraordinary and compelling reason to reduce that particular defendant's sentence." United States v. Cruz-Rivera, 137 F.4th 25, 32 (1st Cir. 2025) (internal quotation marks omitted).

The sentencing guidelines also contain a catch-all provision allowing courts to consider any other circumstance that is "similar in gravity" to the specifically enumerated circumstances. See U.S.S.G. § 1B1.13(b)(5). "The First Circuit instructs district

courts to consider almost any complex of circumstances that a defendant alleges as a potential extraordinary and compelling reason for early release." United States v. Sepúlveda, 762 F. Supp. 3d 153, 157 (D.R.I. 2025). "The only limitations imposed on a district court's discretion [are finding extraordinary and compelling circumstances based on] rehabilitation alone,[1] the mere fact of a pre-First Step Act mandatory life sentence standing alone, and classic post-conviction arguments, without more." Id. at 157-158 (internal quotation marks and alterations omitted). "[D]istrict courts may conduct a holistic review to determine whether the [defendant's] individualized circumstances, taken in the aggregate, present an extraordinary and compelling reason to grant compassionate release." United States v. Quirós-Morales, 83 F.4th 79, 83 (1st Cir. 2023) (internal quotations omitted).

If a court finds that there are extraordinary and compelling reasons for a sentence reduction, it must still consider the sentencing factors set forth in section 3553(a), and the reduction must be consistent with "applicable policy statements issued by the Sentencing Commission." See U.S.S.G. § 1B1.13(b)(6); 18 U.S.C. § 3582(c)(1)(A)(ii). Pursuant to section 3553(a), a court must

[1] "[R]ehabilitation of the defendant is not, by itself, an extraordinary and compelling reason," but "may be considered in combination with other circumstances in determining whether and to what extent a reduction in the defendant's term of imprisonment is warranted." U.S.S.G. § 1B1.13(d).

determine if the sentence imposed reflects the seriousness of the offense, promotes respect for the law, provides a just punishment, affords adequate deterrence to criminal conduct, protects the public from additional crimes by the defendant, and provides the defendant with needed correctional treatment. 18 U.S.C. § 3553(a). "[A] supportable determination that the balance of the section 3553(a) factors weighs against a sentence reduction constitutes an independent reason to deny compassionate release." Texeira-Nieves, 23 F.4th at 55.

Under both the section 3553(a) factors and the sentencing guidelines, a defendant's potential dangerousness to the community, evaluated based on his or her criminal history and conduct while incarcerated, is an important factor. See U.S.S.G. § 1B1.13(a)(2) (defendant must not be "a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g)"); 18 U.S.C. § 3553(a) (the sentence must "protect the public from further crimes of the defendant"); United States v. D'Angelo, 110 F.4th 42, 50-52 (1st Cir. 2024) (district court did not err when it "reasonably concluded that D'Angelo's potential dangerousness under [section] 3553(a) outweighed all else"). The sentencing guidelines instruct courts to consider the factors in 18 U.S.C. § 3142(g) when determining whether a defendant's release would endanger the community, and "courts may exercise discretion

and apply the mentioned factors to determine whether these suggest the defendant is more or less likely to reoffend." United States v. Colón-Nales, Crim. No. 03-278 (RAM/BJM), 2024 U.S. Dist. LEXIS 208133, at *14 (D.P.R. Nov. 14, 2024) (McGiverin, M.J.); see also U.S.S.G. § 1B1.13(a)(2). The factors include the nature and circumstances of the offense charged, the weight of the evidence against a defendant, a defendant's criminal history, whether he or she has a history of violence, his or her physical and mental condition, and release conditions. 18 U.S.C. § 3142(g). Evidence of a defendant's rehabilitation while incarcerated is also helpful in evaluating his or her likely conduct post-release. See, e.g., Viera-Rivera, 2025 U.S. Dist. LEXIS 79378 at *23-24 (finding defendant's release did not pose a danger to the community after considering various factors, including his rehabilitation).

III. DISCUSSION

A. Exhaustion of Administrative Remedies

Before being eligible to file a motion for compassionate release before a court, a defendant must exhaust administrative remedies. See supra pp. 3-5. Vázquez appears to have sent a letter to his warden at USP Victorville requesting compassionate release, though it is not clear when the request was sent. See Docket No. 67-1 at pp. 1-2. The warden replied on March 17, 2025, denying the request. Id. There is no evidence that Vázquez

submitted appeals pursuant to section 542.15 of the BOP's Administrative Remedy Program. See 28 C.F.R. § 542.15 (inmate may appeal the warden's response to the regional director, and the regional director's response to the general counsel, the latter being the final administrative appeal). The government argues that he has failed to exhaust administrative remedies and that this failure alone is enough to deny his motion.

Based on the record, it appears that Vázquez has not fully exhausted administrative remedies with the BOP, because there is no evidence that he appealed the warden's denial. See United States v. Nieves, 615 F. Supp. 3d 73, 75-77 (D.P.R. 2022) (Arias, C.J.) (outlining the steps a defendant must take to exhaust administrative remedies and concluding that the defendant "must complete the full appeals process laid out in 28 C.F.R. § 542, subpart B if the warden of [his or her] facility responds to [his or her] request within thirty (30) days of receipt before [he or she] may file a motion for compassionate release in federal court"); but see United States v. Silva-Rentas, Crim. No. 14-754-2 (MAJ/BJM), 2024 U.S. Dist. LEXIS 117724, at *7-11 (D.P.R. Jul. 12, 2024) (McGiverin, M.J.) (after noting that "the First Circuit has yet to rule specifically on this question," applying the rule in other circuits where "a defendant is permitted to file for compassionate release 30 days after submitting [his] request

to the warden, regardless of the response to the request.") Vázquez nevertheless asserts that he exhausted administrative remedies, arguing that the warden denied the request "because the basis he provided for the reduction [was] not contained in the Program Statement 5050.50," and that because of this, "the grounds for relief asserted [were] outside the authority of the BOP." See Docket No. 67 at pp. 2-3. This assertion mischaracterizes the warden's denial, which states that he "[did] not find that there are extraordinary and compelling circumstances as required by the statute to recommend the Bureau make a motion before [Vázquez's] sentencing court seeking a Reduction in Sentence." (Docket No. 64-1 at p. 2.) While the ultimate decision to reduce a defendant's sentence lies with the sentencing court rather than with the BOP, a defendant must exhaust administrative remedies with the BOP prior to bringing his or her own motion before the court. Exhaustion means completing the administrative appeal process when the warden timely denies his request to bring a motion for compassionate release on his behalf.

Vázquez's failure to exhaust administrative remedies would be sufficient grounds to deny his motion. The Court, however, will proceed to analyze the merits of his claim for completeness and because they point to the same result.

B. Extraordinary and Compelling Circumstances

Vázquez makes two arguments for extraordinary and compelling circumstances justifying a sentence reduction. First, he claims that he received an unusually long sentence and that a subsequent change in law would result in a much shorter sentence being delivered today. See Docket No. 64 at p. 5; U.S.S.G. § 1B1.13(b)(6). Second, he claims that his youth at the time of the offense, circumstances of his upbringing, the transfer of his case to federal district court for adult sentencing, the impact of adult incarceration on juvenile and youthful offenders, his efforts at rehabilitation, and the disparity between his sentence and the national average sentence for murder collectively demonstrate extraordinary and compelling circumstances. See Docket No. 64 at p. 6; U.S.S.G. § 1B1.13(b)(5).

It is undisputed that Vázquez has served over ten years of his sentence and that his youth renders the lengthy sentence he received more punishing than if he were an adult offender. To show extraordinary and compelling circumstances under section 1B1.13(b)(6), however, a defendant must also point to a change in the law that makes the sentence received grossly disproportional to what he would likely receive today. Vázquez argues that the change from mandatory to advisory sentencing guidelines fulfills this requirement. See Docket No. 64 at p. 5.

When Vázquez was originally sentenced, the sentencing commission's guidelines were mandatory. Courts had to sentence a convicted defendant within a guideline range determined by the sentencing commission. In United States v. Booker, the Supreme Court held that the mandatory guidelines violated defendants' rights under the Sixth Amendment "to demand that a jury find him guilty of all the elements of the crime with which he is charged." 543 U.S. 220, 230 (2005) (citing United States v. Gaudin, 515 U.S. 506, 511 (1995)). Courts have found the change from mandatory to advisory guidelines "constituted a sea change in the law" and have found extraordinary and compelling circumstances on this basis. United States v. Kirkland, Crim. No. ELH-94-10, 2024 U.S. Dist. LEXIS 189588, at *38-39 (D. Md. Oct. 18, 2024); see also United States v. Viera-Rivera, Crim. No. 94-391 (SCC), 2025 U.S. Dist. LEXIS 79378 (D.P.R. Apr. 23, 2025) (Ramos-Vega, M.J.).

Vázquez, however, has not shown that he would receive a significantly shorter sentence today solely due to the change from mandatory to advisory sentencing guideline ranges. Other courts which found extraordinary and compelling circumstances based on this change in law were faced with defendants who received mandatory sentences from which the judge had no discretion to sentence downward. See, e.g., Viera-Rivera, 2025 U.S. Dist. LEXIS 79378 (defendant received a mandatory life sentence based on his

offense level); United States v. Robinson, 2:06-cr-318, 2025 U.S. Dist. LEXIS 49395 (W.D. Pa. Mar. 18, 2025) (defendant received two mandatory minimum sentences under 18 U.S.C. § 924(c)). By contrast, Judge Cerezo in Vázquez's case imposed a 365-month sentence, even though she could have imposed a sentence as low as 292 months within the mandatory guideline range. In other words, the fact that the guidelines were mandatory did not prevent Judge Cerezo from imposing a more lenient sentence. This cuts against an inference that the change in law would result in Vázquez receiving a lower sentence today.

Vázquez points to disparities between the sentence he received and various national, circuit, and district averages as evidence that he would receive a shorter sentence today. The nationwide average murder sentence in 2023 was 285 months, the First Circuit average was 227 months, and the District of Puerto Rico average was 236 months, with median figures of 276 months, 180 months, and 192 months respectively. See Docket No. 64 at p. 17; U.S. Sent'g Comm'n, 2023 Federal Sentencing Statistics (2024), https://www.ussc.gov/research/data-reports/geography/2023-federal-sentencing-statistics. While Vázquez's sentence of 365 months is significantly longer than these averages, he has not shown that he would likely receive a sentence closer to these averages if sentenced today merely because the

guideline ranges are now advisory. Cf. United States v. Ware, No. 111-270, 2025 U.S. Dist. LEXIS 33788, at *6 (S.D. Ga. Feb. 25, 2025) (comparison between defendant's sentence and that of his co-defendants "not relevant to the (b)(6) analysis[w]ithout a showing that if sentenced today, [d]efendant's sentence would be vastly different from the one imposed because of a change in the law"). Nor is the Court convinced that the disparity is extreme enough to qualify Vázquez's sentence as unusually long. See United States v. Nicholas, Crim. No. 7:16-30026, 2024 U.S. Dist. LEXIS 202937, at *27 (W.D. Va. Nov. 6, 2024) (defendant with a drug trafficking sentence 58-percent longer than the Fourth Circuit average and 76-percent longer than the national average failed to show an unusually long sentence); cf. Viera-Rivera, 2025 U.S. Dist. LEXIS 79378, at *14 (life sentence for carjacking resulting in murder for a 21-year-old defendant "certainly unusually long"). Vázquez's sentence was within his guideline range and can be viewed as presumptively reasonable on this basis. See Rita v. United States, 551 U.S. 338, 347-56 (2007) (sentences within the guideline range may be treated as presumptively reasonable). Therefore, Vázquez fails to show extraordinary and compelling circumstances through section 1B1.13(b)(6) of the sentencing guidelines.

Vázquez's second argument for extraordinary and compelling circumstances, pointing to a host of factors which he

advances qualify under the catchall provision of 1B1.13(b)(5), presents a closer question. The Court will outline the arguments on both sides of the issue.

Supporting Vázquez's position, a new appreciation for how youth matters in sentencing has emerged since he was sentenced twenty-five years ago. In Roper v. Simmons, the Supreme Court overturned precedent and held that, under the Eighth Amendment, juveniles cannot receive the death penalty. 543 U.S. 551, 564-75 (2005). Roper was followed by Graham v. Florida, in which the Supreme Court found that life-without-parole sentences for juveniles convicted of non-homicide crimes were similarly unconstitutional. 560 U.S. 48, 62-82 (2010). And in Miller v. Alabama, the Supreme Court held that subjecting juvenile defendants to mandatory life-without-parole sentencing schemes was unconstitutional, though a sentencing court could, within its discretion, grant a life sentence after taking youth into account. 567 U.S. 460, 479-80. Underpinning each decision was an acknowledgement that "children are constitutionally different from adults for purposes of sentencing" because they "have diminished culpability and greater prospects for reform." Id. at 471 (internal quotation marks omitted). Children "have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking." Id.

(internal quotation marks omitted). They are "more vulnerable to negative influences and outside pressures, including from their family and peers; they have limited control over their own environment, and lack the ability to extricate themselves from horrific, crime-producing settings." Id. (internal quotation marks and alterations omitted). And "a child's character is not as well formed as an adult's; his traits are less fixed and his actions less likely to be evidence of irretrievable depravity." Id. (internal quotation marks and alterations omitted). Roper, Graham, and Miller emphasized both common sense and emerging science regarding adolescent development to differentiate juveniles from adult offenders. See Miller, 567 U.S. at 471-72.

Vázquez had to contend with a difficult upbringing. "The Supreme Court has made clear that compared to adult offenders, a juvenile defendant's background is particularly relevant." Robinson, 2025 U.S. Dist. LEXIS 49395, at *18 (citing Miller, 567 U.S. at 476). His mother was dependent on drugs and was arrested immediately after he was born. See Docket No. 64 at pp. 11-12. Because of her drug use and legal issues, she was not available to raise him. Id. His father was not married to his mother and did not have interest in establishing ties, leaving Vázquez to be raised by his grandmother. Id.

Vázquez's transfer from juvenile to adult prosecution had a profound effect on his resulting sentence, particularly because Judge Cerezo imposed a sentence at the top of the guideline range. In the statement of reasons, Judge Cerezo made no indication that she considered Vázquez's youth as a mitigating factor, an omission that is now particularly notable after Roper, Graham, and Miller. On the other hand, Judge Cerezo did not necessarily ignore his youth as a mitigating factor. She was not prohibited from considering it, and she may have merely found other factors more compelling. See United States v. LeRoy, 984 F.2d 1095, 1099 (10th Cir. 1993) ("A district court may consider age in the context of deciding where to sentence within the guideline range"). In any case, when viewed in light of his youth, turbulent upbringing, and evolving standards for sentencing juveniles, Vázquez's sentence at the top of the guideline range for adults is undoubtedly severe.

Other facts, however, make Vázquez's circumstances appear less extraordinary. Compared to similarly situated defendants whose sentences were reduced pursuant to similar arguments, Vázquez has a less compelling case for extraordinary and compelling circumstances. See Viera-Rivera, 2025 U.S. Dist. LEXIS 79378 (defendant had received a mandatory life sentence, which qualified as an extraordinary and compelling circumstance

under U.S.S.G. section 1B1.13(b)(6)); Robinson, 2025 U.S. Dist. LEXIS 49395 (juvenile defendant had received a mandatory 384-month sentence on firearm and armed bank robbery charges, but where none of the victims were killed); Brito v. United States, Nos. 16-cv-7618 (PKC), 11-cr-576 (PKC), 2024 U.S. Dist. LEXIS 67541 (S.D.N.Y. Apr. 12, 2024) (juvenile defendant with severe mental illness, low I.Q., and an extremely difficult upbringing had received a 274-month sentence for racketeering and attempted murder resulting in non-fatal shooting of a bystander).

Vázquez also received the benefit of a plea agreement in which two other charges against him were dropped and his offense level was reduced for acceptance of responsibility, the effect of which was that he avoided a likely life sentence. See Docket No. 77 at pp. 7-8. As discussed, the disparity between his sentence and recent national, circuit, and district averages, while substantial, is not extreme. See supra pp. 13-14. He received a guideline sentence, which may be treated as presumptively reasonable. Id. And the extent of his rehabilitation is questionable considering the large number of disciplinary infractions he has incurred, which include several recent citations for violent conduct.

Considering the above, the Court finds that Vázquez fails to show extraordinary and compelling circumstances pursuant

to section 1B1.13(b)(5). The standard for finding extraordinary and compelling circumstances is high, and while there are aspects of his claim that may make a reduction compelling, countervailing factors complicate the picture. Therefore, Vázquez's motion for compassionate release must be denied.

C. Guidelines and Sentencing Factors

While a district court is not required to analyze the section 3553(a) factors if it does not find extraordinary and compelling circumstances warranting release, appellate "review is aided . . . when the district court takes the additional step of making a section 3553(a) determination." Texeira-Nieves, 23 F.4th at 52. The Court finds that a sentence reduction would be consistent with the section 3553(a) factors, though Vázquez's motion will be denied for the reasons previously discussed.

Several of the section 3553(a) factors weigh in Vázquez's favor. While his offense was an act of severe violence with the most serious of consequences, he committed it when he was just sixteen years old – in other words, as a juvenile. "[T]he distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes." Miller v. Alabama, 567 U.S. 460, 472 (2012). He received a sentence at the very top of the guideline range despite the fact he was a juvenile

offender. And his troubled upbringing also countenances in favor of a less severe sentence. See supra pp. 17-18.

When considered alongside his youth at the time of the offense, the Court also finds it persuasive that Vázquez has served most of his sentence. See United States v. Nuzzolilo, 517 F. Supp. 3d 40, 45 (D. Mass. 2021) (amount of time served versus time remaining "very significant" in weighing the section 3553(a) factors in the resentencing context); but see United States v. Bradley, 97 F.4th 1214, 1222 n. 9 (10th Cir. 2024) (upholding district court conclusion that "the length of the sentence already served does not *on its own* demonstrate respect for the law and just punishment") (emphasis in original). As of this date, Vázquez has served around 88 percent of his sentence after accounting for good time credit. See Docket No. 64-2 at p. 11. This amounts to over 300 months, meaning that he has already served a sentence within the guideline range. These facts render his request for release more modest, thus lowering the bar to show that the reduced sentence "reflect[s] the seriousness of the offense, [] promote[s] respect for the law, and [] provide[s] just punishment for the offense." 18 U.S.C. § 3553(a).

On the other hand, whether Vázquez's early release would pose a danger to the community is a complicated question. The BOP characterizes him as low-risk for recidivism, and Vázquez proposes

a release plan to live with his mother (now recovered from her substance abuse issues) and sister in Florida. See Docket No. 64 at p. 21. Even if his sentence is not shortened, Vázquez will be released in October 2028 - the marginal risk of recidivism over a mere three-year period is less significant than it would seem if he would otherwise remain incarcerated for substantially longer. But he is also a violent firearm offender who has received numerous citations for violence while incarcerated, including some quite recent ones. Vázquez's potential dangerousness rebuffs a clear answer, and this factor weighs neither for nor against him.

Weighing the factors together, the Court finds that a reduction would be consistent with the section 3553(a) factors. Despite this finding, Vázquez's motion must be denied because he failed to exhaust administrative remedies and failed to establish extraordinary and compelling circumstances.

IV. CONCLUSION

For the reasons set forth above, Vázquez's motion for compassionate release is **DENIED**. (Docket No. 64.)

IT IS SO ORDERED.

San Juan, Puerto Rico, July 31, 2025.

s/ Francisco A. Besosa
FRANCISCO A. BESOSA
SENIOR UNITED STATES DISTRICT JUDGE